



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

FILE

US EPA RECORDS CENTER REGION 5



486208

REPLY TO THE ATTENTION OF:

J-Pitt Melt Shop
Site SE-5J

APR 13 2001

**VIA FACSIMILE AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

M. S. Kaplan Company
2500 Euclid Avenue
Chicago Heights, IL 60411-4019

Metropolitan Water Reclamation District of
Greater Chicago
100 East Erie Street
Chicago, IL 60611-2803

Attention: Mr. Joseph Blandi

Attention: Hugh H. McMillan, General
Superintendent

RE: J-Pitt Melt Shop Site, Chicago, Illinois
Confirmation of General Notice of Liability

Dear Mr. Blandi and Mr. McMillan :

In a telephone conference call on April 6, 2001, United States Environmental Protection Agency (U.S. EPA) Enforcement Specialist Sally Jansen and Associate Regional Counsel Stuart Hersh made the following oral statement to each of you:

"The U.S. Environmental Protection Agency has determined that the release or threat of release of hazardous substances, pollutants or contaminants into the environment from the J-Pitt Melt Shop Site in Chicago, Illinois, may present an imminent and substantial endangerment to the public health or welfare or to the environment.

U.S. EPA plans to take the following actions to address the release or threat of release of hazardous substances, pollutants or contaminants at the Site:

1. Containing hazardous materials present on the property;
2. Conducting monitoring and sampling activity;
3. Preparing for and disposing of hazardous materials;
4. Performing other actions to investigate contamination on the property that U.S. EPA may determine to be necessary; and

5. Taking any response action to address any release or threatened release of a hazardous substance, pollutant, or contaminant which U.S. EPA determines may pose an imminent and substantial endangerment to the public health or the environment.

These actions are authorized by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. Under CERCLA, and other laws, responsible parties may be liable for all costs the Government incurs in taking response action at the Site, including investigation, planning, cleanup, and enforcement costs.

U.S. EPA believes you are a potentially responsible party (or PRP) at the Site because you own the Site. Before the Government continues the necessary response actions at the Site that it has already taken, it is offering you the opportunity to voluntarily perform or fund the work required to abate the release or threat of release from the Site. Under Section 104 of CERCLA, PRPs may be permitted to perform these actions if they can demonstrate their ability to do the work promptly and properly.

Because of the conditions described earlier, U.S. EPA believes that response activities at the Site must begin as quickly as possible. Therefore, U.S. EPA does not intend to use the special notice procedures available under Section 122(e) of CERCLA.

Because of the threats at the Site, U.S. EPA, at the direction of its On-Scene Coordinator, initiated some of the above actions yesterday, Thursday, April 5. U.S. EPA plans to continue the removal action on Monday, April 9. You must notify U.S. EPA by Tuesday, April 10, if you wish to perform or fund all of the above actions, or U.S. EPA will continue to take the necessary action at the Site. Please contact Stuart Hersh, U.S. EPA Office of Regional Counsel, 77 West Jackson Boulevard, Chicago, Illinois 60604, at (312) 886-6235, fax number (312) 886-0747, to provide notice or if you have any questions.

An administrative record which supports U.S. EPA's determination that these actions are appropriate can be made available for your review.

Do you have any questions regarding what I have just said?"

This letter is to confirm and reiterate the above oral notice. This letter is also to confirm that the response of M. S. Kaplan Company to the oral notice, through its attorney, Joseph Podlewski, was that the company would consider the matter and reply by April 10. On April 10, U.S. EPA received a written response from Mr. Podlewski stating that "M. S. Kaplan Company agrees to perform such work as may be necessary to abate the release, or threat of release, of certain hazardous substances at the J-Pitt Melt Shop Site." In addition, this letter confirms that the response of the Metropolitan Water Reclamation District of Greater Chicago (MWRDGC) to the

oral notice was that the MWRDGC would not participate in the removal action. On April 10, however, U.S. EPA received a fax from MWRDCG stating that MWRDGC "agrees to fund all of U.S. EPA's currently anticipated actions required to abate the release or threat of release from the Site."

If M. S. Kaplan Company is a qualified small business, enclosed is an U.S. EPA Small Business Regulatory Enforcement Fairness Act information sheet which may be helpful if you are subject to an U.S. EPA enforcement action.

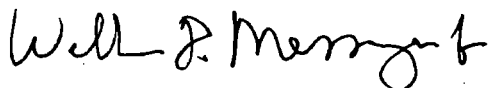
U.S. EPA appreciates your cooperation and is drafting a proposed Administrative Order by Consent for your consideration. If you have any questions concerning this matter, please contact:

Stuart Hersh
Associate Regional Counsel
Office of Regional Counsel
U.S. EPA C-14J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590
(312) 886-6235

or

Bradley Benning
On-Scene Coordinator
Response Section 2
U.S. EPA SE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590
(312) 353-7613

Sincerely,



Richard C. Karl, Chief
Emergency Response Branch

Enclosure (SBREFA information sheet)

cc: Joseph R. Podlweski, Esq., Rosenthal and Schanfield PC, Chicago, IL (via facsimile only)



Office of Enforcement and Compliance Assurance **INFORMATION SHEET**

U.S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and State environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. Many public libraries provide access to the Internet at minimal or no cost.

EPA's Small Business Home Page (<http://www.epa.gov/sbo>) is a good place to start because it links with many other related websites. Other useful websites include:

EPA's Home Page
<http://www.epa.gov>

Small Business Assistance Programs
<http://www.epa.gov/ttn/sbap>

Compliance Assistance Home Page
<http://www.epa.gov/oeca/oc>

Office of Site Remediation Enforcement
<http://www.epa.gov/oeca/osre>

Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance on environmental requirements.

EPA's Small Business Ombudsman Hotline can provide a list of all the hot lines and assist in determining the hotline best meeting your needs. Key hotlines include:

EPA's Small Business Ombudsman
(800) 368-5888

**Hazardous Waste/Underground Tanks/
Superfund**
(800) 424-9346

National Response Center
(to report oil and hazardous substance spills)
(800) 424-8802

Toxics Substances and Asbestos Information
(202) 554-1404

Safe Drinking Water
(800) 426-4791

**Stratospheric Ozone and Refrigerants
Information**
(800) 296-1996

Clean Air Technical Center
(919) 541-0800

Wetlands Hotline
(800) 832-7828

Continued on back

Compliance Assistance Centers

In partnership with industry, universities, and other federal and state agencies, EPA has established national Compliance Assistance Centers that provide Internet and "faxback" assistance services for several industries with many small businesses. The following Compliance Assistance Centers can be accessed by calling the phone numbers below and at their respective websites:

Metal Finishing

(1-800-AT-NMFRC or www.nmfrc.org)

Printing

(1-888-USPNEAC or www.pneac.org)

Automotive Service and Repair

(1-888-GRN-LINK or www.ccar-greenlink.org)

Agriculture

(1-888-663-2155 or www.epa.gov/oeca/ag)

Printed Wiring Board Manufacturing

(1-734-995-4911 or www.pwbr.org)

The Chemical Industry

(1-800-672-6048 or www.chemalliance.org)

The Transportation Industry

(1-888-459-0656 or www.transource.org)

The Paints and Coatings Center

(1-800-286-6372 or www.paintcenter.org)

State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information. For assistance in reaching state agencies, call EPA's Small Business Ombudsman at (800)-368-5888 or visit the Small Business Environmental Homepage at <http://www.smallbiz-enviroweb.org/state.html>.

Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations, businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses: The Audit Policy (<http://www.epa.gov/oeca/auditpol.html>) and the Small Business Policy (<http://www.epa.gov/oeca/>

smbusi.html). These do not apply if an enforcement action has already been initiated.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an ombudsman ("SBREFA Ombudsman") and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The SBREFA Ombudsman will annually rate each agency's responsiveness to small businesses. If you believe that you fall within the Small Business Administration's definition of a small business (based on your Standard Industrial Code (SIC) designation, number of employees or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions, or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act (SBREFA) or related provisions.

**Metropolitan Water Reclamation
District of Greater Chicago**

**Attn.: Hugh H. McMillan, General
Superintendent**

**100 East Erie Street
Chicago, IL 60611-2803**

Postage \$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

DETECTIVE	
1.50	1.50
APR 17 REC'D	
EMERGENCY SUPPORT	
SECTION	
\$	\$75

Postmark
here
2001

5-P.H.
SE-5J

Name (Please Print Clearly) (to be completed by mailer)

Sally Jansen.

Street, Apt. No., or PO Box No.

City, State, ZIP+4

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may ONLY be combined with First-Class Mail or Priority Mail.
- Certified Mail is *not* available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Metropolitan Water Reclamation
 District of Greater Chicago
 Attn.: Hugh H. McMillan, General
 Superintendent
 100 East Erie Street
 Chicago, IL 60611-2803

4a. Article Number

7099 3400 0000 9596 2450

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☒ COD

7. Date of Delivery

4-16-01

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X

8. Addressee's Address (Only if requested and fee is paid)

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

● Print your name, address, and ZIP Code in this box ●

Sally Tamsen
U.S. EPA SE-ST
77 W. Jackson Blvd
Chicago, IL 60604-3590

148

SITE: J-PITT MELT SHOP SITE
TYPE OF LETTER SENT: CONFIRMATION OF GENERAL NOTICE
TO: M. S. KAPLAN COMPANY
ATTN.: JOSEPH BLANDI
DATE SENT: APRIL 13, 2001
ARTICLE NO.: 7099 3400 0000 9596 2573

U.S. Kaplan Company
Attn.: Mr. Joseph Blandy
2500 Euclid Avenue
Chicago Heights, IL 60411-4019

Article

DECEIVED

Postage

\$

APR 17

Certified Fee

REC'D

1.55

1.90

1.50

Return Receipt Fee
(Endorsement Required)

SUPPORT

Restricted Delivery Fee
(Endorsement Required)

SECTION

Total Postage & Fees

\$

3.95



Name (Please Print Clearly) (to be completed by mailer)

Sally Jansen

SE-5J

Street, Apt. No., or PO Box No.

City, State, ZIP+4

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- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
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M. S. Kaplan Company
Attn.: Mr. Joseph Blandy
2500 Euclid Avenue
Chicago Heights, IL 60411-4019

4a. Article Number

7099 3400 0000 9596 2513

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

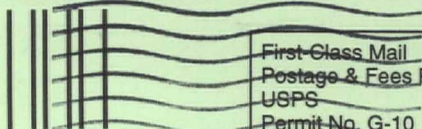
7. Date of Delivery

4-18-01

5. Received By: (Print Name)**8. Addressee's Address (Only if requested and fee is paid)****6. Signature: (Addressee or Agent)**

X *Nancy Rogers*

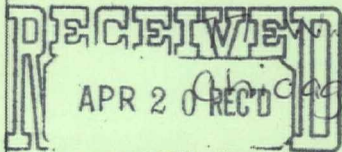
UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

Sally Jansen
U.S. EPA SE-5J
Jackson

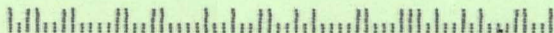


APR 20 REC'D

Chicago, IL 60604-3590

EMERGENCY SUPPORT
SECTION

604+3511





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590**

**SUPERFUND DIVISION
EMERGENCY RESPONSE BRANCH
EMERGENCY ENFORCEMENT SUPPORT SECTION**

FACSIMILE COVER SHEET

**FAX TELEPHONE NUMBER
(312) 886-0753**

DATE: April 6, 2001
NAME: **FRANK E. GARDNER, ESQ.**
COMPANY/OFFICE: Metropolitan Water Reclamation District of Greater Chicago
PHONE NUMBER: (312) 751-6595
FAX NUMBER: (312) 751-6598

FROM: Sally Jansen, Enforcement Specialist
MAIL CODE: SE-5J
PHONE NUMBER: (312) 353-9046
E-MAIL: jansen.sally@epa.gov

NO. OF PAGES
INCLUDING
COVER PAGE: 2

COMMENTS:

Re: J. Pitt Melt Shop Superfund Site
3153 S. California
Chicago, Illinois

With this facsimile is the oral statement that I read to you over the phone in the presence of Stuart Hersh, today, Friday, April 6. I will send a letter to you next week confirming the General Notice of Liability. For your information, I may be out of the office on Monday, but I will be in on Tuesday.

cc: Stuart Hersh, U.S. EPA wo attachment

TRANSMIT CONFIRMATION REPORT

NO.	:	004	
RECEIVER	:		3127156598
TRANSMITTER	:	US EPA ERB REG 5	
DATE	:	APR 06'01	6:16
DURATION	:	01'14	
MODE	:	STD	
PAGES	:	02	
RESULT	:	OK	

"The U.S. Environmental Protection Agency has determined that the release or threat of release of hazardous substances, pollutants or contaminants into the environment from the J. Pitt Melt Shop Site in Chicago, Illinois, may present an imminent and substantial endangerment to the public health or welfare or to the environment.

U.S. EPA plans to take the following actions to address the release or threat of release of hazardous substances, pollutants or contaminants, at the Site:

1. Containing hazardous materials present on the property;
2. Conducting monitoring and sampling activity;
3. Preparing for and disposing of hazardous materials;
4. Performing other actions to investigate contamination on the property that U.S. EPA may determine to be necessary; and
5. Taking any response action to address any release or threatened release of a hazardous substance, pollutant, or contaminant which U.S. EPA determines may pose an imminent and substantial endangerment to the public health or the environment.

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U.S. EPA believes you are a potentially responsible party (or PRP) at the Site because you own the Site. Before the Government continues the necessary response actions at the Site that it has already taken, it is offering you the opportunity to voluntarily perform or fund the work required to abate the release or threat of release from the Site. Under Section 104 of CERCLA, PRPs may be permitted to perform these actions if they can demonstrate their ability to do the work promptly and properly.

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Do you have any questions regarding what I have just said?"



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590**

**SUPERFUND DIVISION
EMERGENCY RESPONSE BRANCH
EMERGENCY ENFORCEMENT SUPPORT SECTION**

FACSIMILE COVER SHEET

**FAX TELEPHONE NUMBER
(312) 886-0753**

DATE: April 6, 2001
NAME: **JOSEPH BLANDY.**
COMPANY/OFFICE: M. S. Kaplan Company
PHONE NUMBER: (708) 756-0400
FAX NUMBER: (708) 756-0099

FROM: Sally Jansen, Enforcement Specialist
MAIL CODE: SE-5J
PHONE NUMBER: (312) 353-9046
E-MAIL: jansen.sally@epa.gov

A handwritten signature, likely of Sally Jansen, is written in black ink to the right of the contact information.

**NO. OF PAGES
INCLUDING
COVER PAGE:** 2

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cc: Joseph R. Podlewski, Rosenthal and Schanfield, P.C.
Stuart Hersh, U.S. EPA

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NO.	:	005	
RECEIVER	:		7087560099
TRANSMITTER	:	US EPA ERB REG 5	
DATE	:	APR 06'01	6:21
DURATION	:	01'13	
MODE	:	STD	
PAGES	:	02	
RESULT	:	OK	

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SUPERFUND DIVISION
EMERGENCY RESPONSE BRANCH
EMERGENCY ENFORCEMENT SUPPORT SECTION

FACSIMILE COVER SHEET

FAX TELEPHONE NUMBER
(312) 886-0753

DATE: April 6, 2001
NAME: **JOSEPH R. PODLEWSKI**
COMPANY/OFFICE: Rosenthal and Schanfield, PC
PHONE NUMBER: (312) 236-5622
FAX NUMBER: (312) 236-7274

FROM: Sally Jansen, Enforcement Specialist
MAIL CODE: SE-5J
PHONE NUMBER: (312) 353-9046
E-MAIL: jansen.sally@epa.gov

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cc: Joseph R. Podlewski, Rosenthal and Schanfield, P.C.
Stuart Hersh, U.S. EPA (wo attachment)

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5. Taking any response action to address any release or threatened release of a hazardous substance, pollutant, or contaminant which U.S. EPA determines may pose an imminent and substantial endangerment to the public health or the environment.

These actions are authorized by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. Under CERCLA, and other laws, responsible parties may be liable for all costs the Government incurs in taking response action at the Site, including investigation, planning, cleanup and enforcement costs.

U.S. EPA believes you are a potentially responsible party (or PRP) at the Site because you own the Site. Before the Government continues the necessary response actions at the Site that it has already taken, it is offering you the opportunity to voluntarily perform or fund the work required to abate the release or threat of release from the Site. Under Section 104 of CERCLA, PRPs may be permitted to perform these actions if they can demonstrate their ability to do the work promptly and properly.

Because of the conditions described earlier, U.S. EPA believes that response activities at the Site must begin as quickly as possible. Therefore, U.S. EPA does not intend to use the special notice procedures available under Section 122(e) of CERCLA.

Because of the threats at the Site, U.S. EPA, at the direction of its On-Scene Coordinator, initiated some of the above actions yesterday, Thursday, April 5. U.S. EPA plans to continue the removal action on Monday, April 9. You must notify U.S. EPA by Tuesday, April 10, if you wish to perform or fund all of the above actions, or U.S. EPA will continue to take the necessary action at the Site. Please contact Stuart Hersh, U.S. EPA Office of Regional Counsel, 77 West Jackson Boulevard, Chicago, Illinois 60604, at (312) 886-6235, fax number (312) 886-0747, to provide notice or if you have any questions.

An administrative record which supports U.S. EPA's determination that these actions are appropriate can be made available for your review.

Do you have any questions regarding what I have just said?"

TRANSMIT CONFIRMATION REPORT

NO.	:	006	
RECEIVER	:		3122367274
TRANSMITTER	:	US EPA ERB REG 5	
DATE	:	APR 06'01	6:24
DURATION	:	01'14	
MODE	:	STD	
PAGES	:	02	
RESULT	:	OK	